

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
3226093 Canada, Inc.,

Plaintiff-Respondent,

-against-

Cassini Parfums, Ltd.,

Defendant-Appellant.
-----X

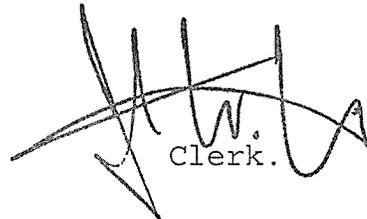
M-4889X
Index No. 601294/02

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about July 29, 2009 (mot. seq. no. 008),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 22, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Rachel L. Arfa, et al.,
Plaintiffs,

-against-

M-4905X
Index No. 603602/05

Gadi Zamir, et al.,
Defendants.

-----X
546-552 West 146th Street LLC, et al.,
Intervenors-Defendants/Counterclaim
Plaintiffs/Cross-Claim Plaintiffs-
Appellants,

2000 Davidson Ave, LLC,
Intervenor-Defendant/Counterclaim
Plaintiff/Cross-Claim Plaintiff,

-against-

Rachel L. Arfa, et al.,
Counterclaim-Defendants-Respondents,

-and-

Gadi Zamir, et al.,
Cross-Claim Defendants-Respondents.

-----X
Mintz, Levin, Cohn, Ferris,
Glovsky & Popeo, P.C.,
Intervenor-Plaintiff-Respondent,

-against-

546-552 West 146th Street LLC, et al.,
Intervenors-Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about April 30, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 26, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Vladimir Gusinsky,

Plaintiff-Respondent,

-against-

M-4953X
Index No. 101566/09

Sagi Genger, et al.,

Defendants-Appellants.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about August 13, 2009 (mot. seq. no. 001),

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 28, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Alex Rosas Ocampo,
Plaintiff-Respondent,

-against-

M-4977X
Index No. 15476/06

Glenman Industrial and Commercial
Contractor Corp., et al.,
Defendants-Appellants.

-----X
185 Riverdale Avenue, LLC,
Third-Party Plaintiff-Appellant,

-against-

Larino Masonry,
Third-Party Defendant-Respondent.

-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about March 27, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 29, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzairelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Patricia Fitzsimons,

Plaintiff-Appellant,

-against-

M-4978X
Index No. 20236/07

O'Neill's Irish Bar Inc.,

Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, Bronx County, entered on or about April 20, 2009,

Now, after pre-argument conference and upon reading and filing the stipulation of the parties hereto, "so ordered" October 29, 2009, and due deliberation having been had thereon,

It is ordered that the appeal is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzaelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
Bradford R. Arter,
Plaintiff-Respondent,

-against-

M-4939
Index No. 110018/06

The City of New York, et al.,
Defendants,

200 West 96th St., LLC,
Defendant-Appellant,

-and-

Pro Concrete Contractors Corp.,
Defendant-Respondent.

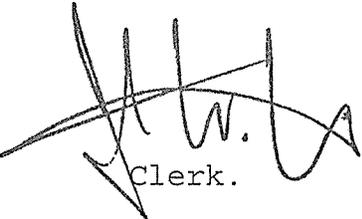
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about March 2, 2009,

Now, upon reading and filing the stipulation of the parties hereto, filed October 28, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 2009 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
Peter Tom
Angela M. Mazzarelli
Richard T. Andrias
David B. Saxe, Justices.

-----X
In the Matter of the Application
for an Order Staying the Arbitration
Between IDS Property Casualty
Insurance Co.,
Petitioner-Appellant,

-against-

M-4950
Index No. 110389/08

Charles Wynter,
Respondent-Respondent,

-and-

Pablo Mendez,
Proposed Additional Respondent.

-----X

An appeal having been taken from the judgment of the Supreme Court, New York County, entered on or about December 16, 2008,

Now, upon reading and filing the stipulation of the parties hereto, filed October 28, 2009, and due deliberation having been had thereon,

It is ordered that the appeal, previously perfected for the December 2009 Term, is withdrawn in accordance with the aforesaid stipulation.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. Catterson
James M. McGuire
Rolando T. Acosta, Justices.

-----X
Ana Collazo,

Plaintiff-Appellant,

-against-

M-4382
Index No. 102998/03

Madison Square Garden, L.P., et al.,

Defendants-Respondents.

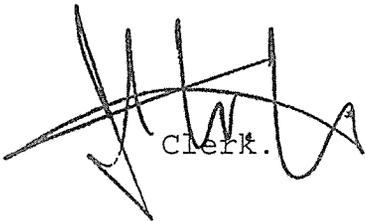
-----X

Defendants-respondents having moved for dismissal of the appeals taken from the order of the Supreme Court, New York County, entered on or about March 13, 2008 (mot seq. no. 002) and the judgment entered therein on or about August 20, 2009,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted and the appeals are dismissed.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present - Hon. Luis A. Gonzalez, Presiding Justice,
Richard T. Andrias
James M. Catterson
Rolando T. Acosta, Justices.

-----X
In re Continental Casualty Company,
etc.,
Petitioner-Appellant,

-against-

M-4076
Index No. 103754/06

Tibor Lecei,
Respondent-Respondent.

-----X

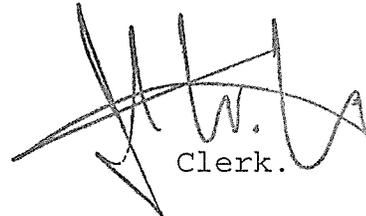
Petitioner-appellant having moved for a stay of arbitration pending hearing and determination of the appeal from the order of the Supreme Court, New York County, entered on or about June 4, 2009,

And a decision and order of this Court having been entered on September 22, 2009 (Appeal No. 1023), unanimously affirming the order of the Supreme Court, New York County (O. Peter Sherwood, J.), entered on June 4, 2009,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied, as moot.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

PRESENT: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. McGuire
Rolando T. Acosta
Nelson S. Roman, Justices.

-----X
Michael Klussman and Judith Klussman,
Plaintiffs-Respondents,

-against-

A.T. Reynolds & Sons, Inc., Leisure
Time Spring Water, Inc.,
Defendants-Appellants,

Williams Real Estate and Management LLC,
Williams Real Estate Co., Inc.,
Williams Real Estate LLC, GVA
Williams LLC, Cure Water Systems
Inc., New City Realty Corp.,
New City Realty, Inc., New York
City Press, Inc., and Graphics Seven
Condominium,
Defendants-Respondents,

M-4888
Index No. 103338/05

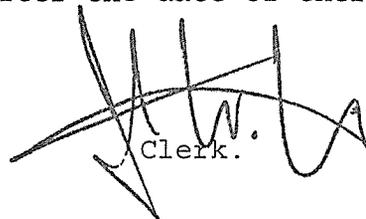
Darbert Offset Corp., Aradco Limited
and The Cure Connection,
Defendants-Respondents.

-----X
Defendants-appellants A.T. Reynolds & Sons, Inc. and Leisure Time Spring Water, Inc., having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about April 29, 2009 (mot seq. nos. 003 and 004),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted on condition appellants perfect the appeal on or before December 7, 2009 for the February 2010. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that any respondent serves a copy of this order upon appellants within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. Luis A. Gonzalez, Presiding Justice,
David B. Saxe
James M. Catterson
James M. McGuire
Rolando T. Acosta, Justices.

-----X
330 Hudson Owner LLC,

Plaintiff-Appellant,

-against-

M-4563
Index No. 600804/09E

The Rector, Church Wardens and Vestrymen of Trinity Church in the City of New York,

Defendant-Respondent.
-----X

An appeal having been taken from the order of the Supreme Court, New York County, entered on or about May 27, 2009 (mot. seq. no. 001),

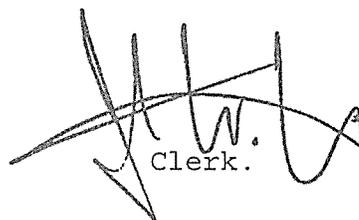
And an order of this Court having been entered on August 4, 2009 (M-2887), granting a stay upon certain terms and conditions and upon the additional condition that said appeal be perfected for the December 2009 Term,

And plaintiff-appellant having moved for an enlargement of time in which to perfect the aforesaid appeal upon the other terms and conditions contained in the order of this Court entered on August 4, 2009 (M-2887),

Now, upon reading and filing the papers with respect to the motion, including the stipulation of the parties dated October 2, 2009, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the aforesaid appeal to the February 2010 Term upon the other terms and conditions contained in the order of this Court entered on August 4, 2009 (M-2887).

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the first Judicial Department in the County of New York on November 12, 2009.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
John T. Buckley
Rosalyn H. Richter, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

Isaac Morales,
Defendant-Appellant.

M-4579

Ind. No. 1152/09
Case No. 7653C/09

-----X

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgments of the Supreme Court, Bronx County, rendered on or about August 11, 2009 and on or about September 8, 2009, respectively, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serves one copy of such brief upon the District Attorney of said county and files 10 reproduced copies of such brief, together with the original record, with this Court.

The court reporter shall promptly make and file with the criminal court (CPL §460.70) two transcripts of the stenographic minutes of any proceedings pursuant to CPL §210.20, Arts. 710 and 730, and of the plea or trial and sentence. The Clerk shall furnish a copy of such transcripts to appellant's counsel, without charge, the transcripts to be returned to this Court when appellant's brief is filed.

Steven Banks, Esq., 199 Water Street, 5th Floor, New York, New York 10038, Telephone No. 212-577-3688, is assigned as counsel for defendant-appellant for purposes of the appeal. The time within which appellant shall perfect this appeal is hereby enlarged until 120 days from the date of filing of the record.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
Rosalyn H. Richter, Justices.

-----X
The People of the State of New York,

Respondent,

-against-

M-4574
Ind. No. 1078/07

Terrence Heyward,

Defendant-Appellant.
-----X

An order of this Court having been entered on June 11, 2009 (M-2226) assigning Richard M. Greenberg, Esq., as counsel to prosecute defendant's appeal from the judgment of the Supreme Court, New York County, rendered on or about October 30, 2008,

And defendant-appellant having moved for an order relieving assigned counsel and to substitute other counsel to prosecute the appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
Rosalyn H. Richter, Justices.

-----X
The Law Firm of Ravi Batra, P.C.,
Plaintiff-Appellant,

-against-

Amora Rachel Leah Rabinowich,
Defendant-Respondent.

M-4461
Index No. 100548/06

-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about November 18, 2008,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the February 2010 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Voices of the Everyday People (Vote People), Evan Blum, Hassan Farrah, Eda Hallinan, The Harlem Tenants Council and S. Chink Pope,
Petitioners-Appellants,

For a Judgment Pursuant to Article 78 of the CPLR,

-against-

M-4550
Index No. 106025/08

The City of New York, Michael Bloomberg as Mayor, The City Planning Commission, The Department of City Planning, Amanda Burden in her official capacity as Commission Chairperson and Department Director, The City Council, Christine Quinn in her official capacity as Speaker,
Respondents-Respondents.

-----X

Petitioners-appellants having moved for an enlargement of time in which to perfect the appeal from a judgment of the Supreme Court, New York County, entered on or about November 28, 2008 (mot. seq. no. 001),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to on or before January 4, 2010 for the March 2010 Term.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

PRESENT - Hon. Peter Tom, Justice Presiding,
David Friedman
Eugene Nardelli
Rosalyn H. Richter, Justices.

-----X
Joy Booth,
Plaintiff-Appellant,

-against-

M-4586
Index No. 108653/06

The Neiman-Marcus Group, Inc.,
et al.,
Defendants,

754 Fifth Avenue Associates, L.P.
and Newton Acquisition Inc.,
Defendants-Respondents.

-----X
[And a Third-Party Action]
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal taken from the order of the Supreme Court, New York County, entered on or about February 13, 2008,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of enlarging appellant's time in which to perfect the appeal to on or before December 7, 2009 for the February 2010 Term, with no further enlargements to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
The People of the State of New York,

-against-

M-4515
Ind. No. 4182/06

Charles Moultrie,

Defendant.
-----X

Defendant having renewed his motion for an extension of time in which to file a notice of appeal from the judgment of the Supreme Court, New York County, rendered on or about May 14, 2007,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. Peter Tom, Justice Presiding,
David B. Saxe
James M. McGuire
Karla Moskowitz
Helen E. Freedman, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-1568
Ind. No. 2736/05

Kevin Davis,
Defendant-Appellant.

-----X

A decision and order of this Court having been entered on February 10, 2009 (Appeal Nos. 5232-5233), unanimously affirming the judgment of the Supreme Court, New York County, rendered on or about December 5, 2007,

And defendant having moved to vacate the aforesaid decision and order of this Court entered on February 10, 2009 (Appeal Nos. 5232-5233),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David B. Saxe
Dianne T. Renwick
Leland G. DeGrasse
Rosalyn H. Richter, Justices.

-----X
Cory Rosenbaum, Esq.,
Plaintiff-Respondent,

-against-

M-4404
Index No. 601766/06

Beth J. Schlossman, Esq., David
Feinsilver, Esq. and the Feinsilver
Law Group, P.C.,
Defendants-Appellants.

-----X

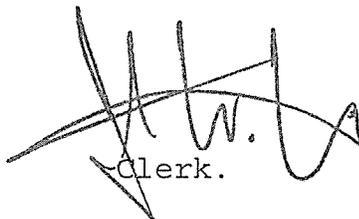
Appeals having been taken from the orders of the Supreme Court, New York County, both entered on or about March 30, 2009 (mot. seq. nos. 005 and 006),

And, defendants-appellants having moved for an order of this Court, inter alia, consolidating the aforesaid appeals and staying trial pending hearing and determination of said consolidated appeals,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting appellants to prosecute the appeals upon 10 copies of one record and one set of appellant's points covering the consolidated appeals and stay trial on condition that the consolidated appeals are perfected on or before December 7, 2009 for the February 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellants within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

PRESENT: Hon. Peter Tom, Justice Presiding,
David Friedman
Karla Moskowitz
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Opus Trading Fund, LLC,
Plaintiff-Appellant,

-against-

Andrew Quartin, et al.,
Defendants-Respondents.

M-4378
Index No. 602770/09

-----X

Plaintiff-appellant having moved in the nature of a preliminary appellate injunction with respect to the employment of defendant Andrew Quartin by defendant Schottenfeld Group, LLC., pending hearing and determination of the appeal taken from the order of the Supreme Court, New York County, entered on or about September 17, 2009,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
Fron Nahzi, formerly known as Fron Nazi,

Plaintiff-Respondent,

-against-

M-4714
Index No. 112000/06

Geral Lieblich, et al.,

Defendants-Appellants.
-----X

An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about January 7, 2009 (mot. seq. no. 007, and said appeal having been perfected,

And plaintiff-respondent having moved for leave to file a supplemental record on appeal, for an extension of time to file a respondent's brief, and for other relief,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from plaintiff-respondent's attorney Roy A. McKenzie, Esq., dated November 2, 2009, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Megan Victoria C-S.,
Aaliyah Gloria C-S.,
Ciara Mari S.,
and Alicia Michelle C-S.,

M-4362
Docket Nos. B20749-51/06

Dependent Children under 18 Years
of Age Pursuant to §384-b of the
Social Services Law.

- - - - -
Commissioner of Social Services,
et al.,
Petitioners-Respondents,

Jorge Gustavo C.,
Respondent,

Maria Esther S.,
Respondent-Appellant.

- - - - -
Ellen Winter-Mendeolson, Esq.,
Law Guardian for the Children.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the orders of the Family Court, Bronx County, entered on or about April 30, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Frederic P. Schneider, Esq., 40 Wall Street, 28th Floor, New York, NY 10005, Telephone No. (646)512-5730, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. Angela M. Mazzairelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----x
The People of the State of New York,
Respondent,

-against-

M-4444
Ind. No. 5260/06

Denard Butler,
Defendant-Appellant.

-----x

Defendant having moved for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, New York County, rendered on or about June 16, 2009, for leave to have the appeal heard upon the original record and upon a reproduced appellant's brief, and for other relief,

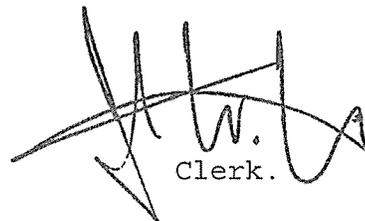
Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of permitting the appeal to be heard upon the original record, except that a certified copy of the indictment(s) shall be substituted in place of the original indictment(s), and upon a reproduced appellant's brief, on condition that appellant serve one copy of such brief upon the District Attorney of said county and file 10 reproduced copies of such brief, together with the original record, with this Court.

Defendant-appellant's time in which to perfect the appeal is enlarged until 120 days after receipt of the transcripts.

So much of the motion which seeks leave to serve and file an oversized appellant's brief is denied, without prejudice to an application pursuant to Rule 600.10(d)(1)(i).

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Dianne T. Renwick
Rosalyn H. Richter, Justices.

-----X
In the Matter of

Spencer Isaiah R., Jr.,

M-4383

A Dependent Child under 18 Years
of Age Pursuant to §384-b of the
Social Services Law.

Docket No. B465/09

Administration for Children's
Services,
Petitioner-Respondent,

Michelle J.,
Respondent,

Spencer R., Sr.,
Respondent-Appellant.

Steven Banks, Esq.,
Law Guardian for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, New York County, entered on or about August 4, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and

§1120 of the Family Court Act, John J. Marafino, Esq., 305 Broadway, Suite 602, New York, NY 10007, Telephone No. (914) 663-1500, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
Eugene Nardelli
Karla Moskowitz, Justices.

-----X
Betty Floyd,
Plaintiff-Appellant,

-against-

M-4640
Claim No. 113494

The State of New York Division of
Human Rights,
Defendant-Respondent.

-----X

An appeal having been taken from the order of the Court of Claims of the State of New York entered on or about December 4, 2008,

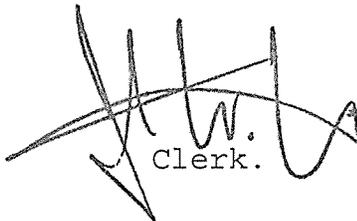
And an order of this Court having been entered on April 9, 2009 (M-1044), granting poor person relief,

And plaintiff-appellant having moved for the assignment of counsel,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
Eugene Nardelli
Karla Moskowitz, Justices.

-----X
American International Group, Inc.,
Plaintiff-Respondent,

-against-

M-4546
Index No. 600885/08

Maurice R. Greenberg, Howard I.
Smith, Edward E. Matthews,
L. Michael Murphy, in his Individual
Capacity and in his Capacity as
Executor of the Estate of Ernest E.
Stempel, John J. Roberts, Houghton
Freeman and Diana B. Berquist, in
her Capacity as Executrix of the
Estate of Ernest E. Stempel,
Defendants-Appellants.

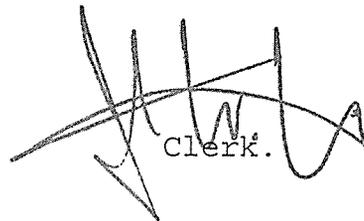
-----X

Defendants-appellants having moved for an enlargement of time in which to perfect the appeal from orders of the Supreme Court, New York County, entered on or about December 16, 2008 (mot. seq. nos. 001, 002, 003, 006, 007, 008 & 009)

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the September 2010 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
Keith White,
Plaintiff-Appellant,

-against-

Gabriela White,
Defendant-Respondent.

M-4566
Index Nos. 307008/05
350391/05

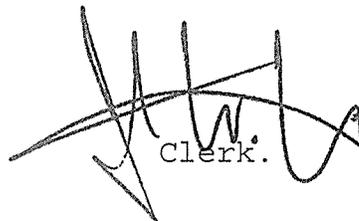
-----X

Plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about May 27, 2008,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the February 2010 Term, with no further enlargements to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
Vertex Engineering Services, Inc.
and Hartford Insurance Group,
Plaintiffs-Appellants,

-against-

M-4689
Index No. 108236/06

Lexington Insurance Company and
Mainco Elevator & Electrical Corp.,
also known as Mainco Elevator
Services, Co.,
Defendants-Respondents,

-and-

Stephen Sicilia, City of New York,
New York City Transit Authority and
JB Electric Corporation,
Defendants.

-----X

Plaintiffs-appellants having moved for an enlargement of time in which to perfect the appeal from an order of the Supreme Court, New York County, entered on or about January 15, 2009 (mot. seq. nos. 001 and 002),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the February 2010 Term.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
Eugene Nardelli
Karla Moskowitz, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4431
Ind. No. 6425/05

Anthony Griffin, also known as Fruquan
Griffin,
Defendant-Appellant.

-----X

Defendant-appellant having moved for an extension of time in which to file a pro se supplemental brief in connection with an appeal from a judgment of the Supreme Court, New York County, rendered on or about October 19, 2006,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of directing defendant to serve and file 10 copies of his pro se supplemental brief on or before December 7, 2009 for the February 2010 Term, to which Term the appeal is adjourned. The appeal will not be heard unless and until all material previously furnished to appellant has been returned to the Clerk of this Court.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
Ruth Shomron, on behalf of
R&L Realty Associates, a New York
Partnership,
Plaintiff-Respondent,

-against-

M-4575
Index No. 102882/02

Ethel J. Griffin, Public
Administrator of New York County,
as Temporary Administrator of
the Estate of Yoram Fuks, Mali
Fuks, Gadi Hill, Trustee u/t/a
dated February 20, 1992, and
Greenland Holding Co., Ltd.,
Defendants-Appellants.

-----X

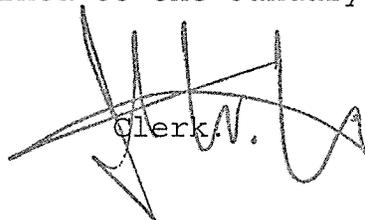
An appeal having been taken by defendants-appellants from the order of the Supreme Court, New York County, entered on or about September 27, 2006, and from the interlocutory judgment of said Court entered on or about November 28, 2006, respectively,

And plaintiff having moved for an order (a) striking from the Appendix an alleged revised decision of the court below (A19a-A19h); (b) striking improper references in Appellant's brief to (i) the alleged revised decision, (ii) a post trial motion still pending before the lower court, and (iii) a certain letter by the defendant Yoram Fuks, and (c) and award of costs of this motion,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of directing the defendants to physically delete material as set forth in plaintiff's motion from the Appendix and briefs filed in this Court, and correct the table of contents thereof to reflect the deletion. The appeal is adjourned to the January 2010 Term. The motion is otherwise denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
David Friedman
Eugene Nardelli
Karla Moskowitz, Justices.

-----X
New York City Property Management,
LLC,

Petitioner-Landlord-Respondent,

-against-

M-4452
Index No. 570676/06

Edita O. Santos and Freddy Fermin,

Respondents-Tenants-Appellants,

-and-

"John Doe" and "Jane Doe",

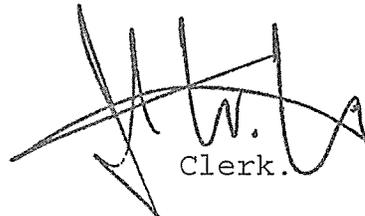
Respondents-Undertenants.
-----X

Respondent-tenant-appellant Freddy Fermin having moved for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about November 16, 2007, for a stay of all proceedings, including trial, pending hearing and determination of the appeal, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion, to the extent it seeks leave to appeal from the Appellate Term, is denied. So much of the motion which seeks a stay of all proceedings, including trial, is denied, as moot.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

PRESENT - Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
Application of TR 39th St. Land Corp.,
Petitioner,

For a Judgment Pursuant to CPLR
Article 78

-against-

M-4825
Index No. 114511/09

The Honorable Tanya Kennedy, etc.,
et al.,
Respondents.

-----X

Petitioner having moved pursuant to CPLR 5704(a) for certain relief denied by a Justice of the Supreme Court, New York County, on or about October 19, 2009,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
The People of the State of New York,
Respondent,

-against-

M-4287
Ind. No. 1407/07

Alana Gordian,
Defendant-Appellant.

-----X

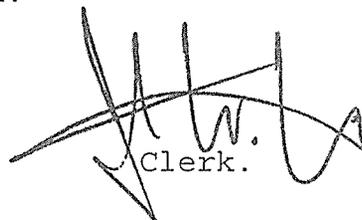
An appeal having been taken from the judgment of the Supreme Court, Bronx County, rendered on or about March 13, 2009,

And assigned counsel for defendant-appellant having moved for an order directing the Clerk of the Supreme Court, Bronx County, to have transcribed the following minutes of the Supreme Court pre-trial appearances: April 4, 2007 before Justice Byrne, Part A; June 28, 2007, October 2, 2007, January 29, 2008, April 2, 2008, May 29, 2008, July 24, 2008, September 10, 2008, November 5, 2008 and November 12, 2008 before Justice Webber, Part 40,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of directing the Clerk of the Supreme Court, Bronx County, to have transcribed those minutes enumerated above, within 30 days from the date of service upon the Clerk of a copy of this order, which counsel is directed to serve upon the Clerk and the individual court reporter(s) within 10 days from the date of entry hereof. Defendant's time in which to perfect the aforesaid appeal is enlarged until 120 days after receipt of the aforesaid minutes.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
Richard T. Andrias
Karla Moskowitz
Rosalyn H. Richter, Justices.

-----X
The People of the State of New York,

Respondent,

-against-

Duane Mims,

Defendant-Appellant.
-----X

M-4334
Ind. Nos. 2715/08
3026/09

An order of this Court having been entered on August 11, 2009 (M-3199), inter alia, granting defendant's motion for leave to prosecute, as a poor person, the appeal from the judgment of the Supreme Court, Bronx County, rendered on or about June 15, 2009, under Indictment No. 2715/08, and assigning counsel therefor,

And defendant-appellant having moved for an order amending the notice of appeal and the aforementioned order to include Indictment No. 3026/09,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that said motion is granted to the extent of amending defendant's notice of appeal and the aforementioned order to include Indictment Nos. 2715/08 and 3026/09, and extending the poor person relief previously granted to cover same.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse, Justices.

-----x
John McCann,

Plaintiff-Respondent,

-against-

Weatherly 39th Street, LLC,

Defendant-Appellant.
-----x

M-4773
Index No. 109078/06

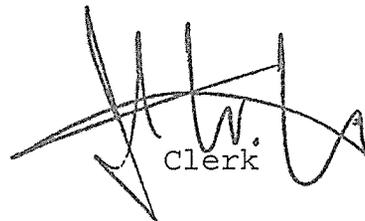
An appeal having been taken to this Court from the order of the Supreme Court, New York County, entered on or about March 31, 2009 (mot. seq. no. 001),

And Lester Schwab Katz & Dwyer, LLP, counsel for defendant-appellant, having moved for leave to withdraw as attorney of record in connection with the aforesaid appeal,

Now, upon reading and filing the papers with respect to the motion, and the correspondence from Howard R. Cohen, Esq., of Lester Schwab Katz & Dwyer, LLP, dated October 29, 2009, and due deliberation having been had thereon,

It is ordered that the motion is deemed withdrawn in accordance with the aforesaid correspondence.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
James M. Catterson
Dianne T. Renwick
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
In the Matter of

Damon R., Jr. and
Naomi J.,

Children Under the Age of 18 Years
Alleged to be Neglected Pursuant to
Article 10 of the Family Court Act.

Administration for Children's Services,
et al.,

Petitioners-Respondents,

M-3001A

Docket No. N-2585-6/08

Damon R.,
Respondent-Appellant.

Steven Banks, Esq., The Legal Aid
Society, Juvenile Rights Division,
Law Guardian for the Children.

-----X
An appeal having been taken to this Court from the order of the Family Court, New York County, entered on or about May 27, 2009,

And respondent-appellant having moved for leave to prosecute the appeal as a poor person, for assignment of the Center for Family Representation, Inc. as counsel on the appeal, a free copy of the transcript, and for related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Michael Bromberg, Esq., 44 Hampton Street, Box 2112, Sag Harbor, New York 11963, Telephone No. 212-691-0950, as counsel for purposes of prosecuting the appeal;

(2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order; and (4) appellant is directed to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court. The order of this Court entered on September 15, 2009 (M-3001) is hereby recalled and vacated.

ENTER:



Clerk

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in in the County of New York on November 12, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
Kevin Kreso,
Plaintiff-Respondent,

-against-

Riverdale Country School,
Defendant-Appellant.

M-4752
Index No. 13419/04

-----X
Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 17, 2009,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied, and the interim relief granted by an order of a Justice of this Court, dated October 15, 2009, is vacated.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
Byong Yol Yi,
Plaintiff-Respondent,

-against-

M-4776
Index No. 6860/07

Mateo Canela,
Defendant-Appellant.

-----X

Defendant-appellant having moved for a stay of trial pending hearing and determination of the appeal taken from the order of the Supreme Court, Bronx County, entered on or about July 10, 2009,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

PRESENT: Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
Bobbi Spiegel,
Plaintiff-Appellant,

-against-

M-4713
Index No. 107709/07

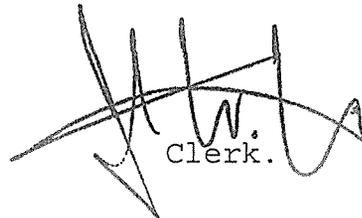
Kevin Gingrich,
Defendant-Respondent.
-----X

Plaintiff-appellant having moved for a stay of trial in the above-entitled action pending hearing and determination of the appeals taken from orders of the Supreme Court, New York County, both entered on or about September 28, 2009 (mot. seq. nos. 003 and 004) and for consolidation of said appeals,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of staying trial and permitting appellant to prosecute the appeals upon 10 copies of one record and one set of appellant's points covering the appeals and enlarging the time in which to perfect the consolidated appeals to on or before December 7, 2009 for the February 2010 Term. Upon failure to so perfect, an order vacating the stay may be entered ex parte, provided that respondent serves a copy of this order upon appellant within 10 days after the date of entry hereof.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

PRESENT - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
Eugene Nardelli
James M. Catterson
Leland G. DeGrasse, Justices.

-----X
Kristina Teichman, also known as
Kristina Bohmova,
Plaintiff-Respondent,

-against-

M-4736
Index No. 310316/06

Boris Teichman,
Defendant-Appellant.

-----X

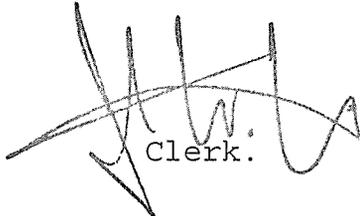
An appeal having been taken to this Court by defendant from an order of the Supreme Court, New York County, entered on or about January 31, 2008 (mot. seq. no. 008),

And retained counsel, Jacqueline Sadow, Esq., having moved for an order relieving her as plaintiff-respondent's counsel,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that so much of the motion by counsel which seeks to be relieved is denied without prejudice to counsel proceeding in Supreme Court including proceedings pursuant to Rule 130-1.1 et seq. with respect to defendant's conduct. Counsel is directed to file respondent's brief on or before December 9, 2009 for the January 2010 Term to which Term said appeal is adjourned. The order of a Justice of this Court dated October 14, 2009 is herewith vacated.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
James M. Catterson
Karla Moskowitz, Justices.

-----X
John Melfi, etc.,
Plaintiff-Respondent,

-against-

Mount Sinai Hospital, et al.,
Defendants-Appellants,

M-2251
M-2309
M-3121
Index No. 122974/02

New York City Police Department,
et al.,
Defendants.

-----X

Defendant-appellant New York City Health and Hospitals Corporation having moved for leave to appeal to the Court of Appeals (M-2251), and defendant-appellant Mount Sinai Hospital having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals (M-2309), and plaintiff-respondent John Melfi having cross-moved for leave to appeal to the Court of Appeals (M-3121) from the decision and order of this Court entered on April 28, 2009 (Appeal Nos. 4787-4788), respectively,

Now, upon reading and filing the papers with respect to the motions and cross motion, and due deliberation having been had thereon,

It is ordered that the motions and cross motion are denied.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. Richard T. Andrias, Justice Presiding,
David B. Saxe
John W. Sweeny, Jr.
Eugene Nardelli
Helen E. Freedman, Justices.

-----X
Charles Christiano, et al.,
Plaintiffs-Respondents,

-against-

M-3304
Index Nos. 8881/00
81997/00
83531/03

Solovieff Realty Co., L.L.C.,
et al.,
Defendants-Appellants.

Nastasi White, Inc.,
Defendant.

McClier Corporation,
Third-Party Plaintiff-Appellant,

-against-

Theodore Williams Construction
Company,
Third-Party Defendant-Appellant.

Solovieff Realty Co., L.L.C.,
Second Third-Party Plaintiff-
Appellant,

-against-

Bank of America Corp.,
Second Third-Party Defendant-
Appellant.

-----X

Plaintiffs-respondents having moved for reargument of or, in the alternative, for leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 19, 2009 (Appeal No. 592N),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is denied.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present - Hon. Richard T. Andrias, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Rolando T. Acosta
Rosalyn H. Richter, Justices.

-----x
Gary Suson,
Plaintiff-Appellant,

-against-

M-4374
Index No. 570349/08

NYP Holdings, Inc., et al.,
Defendants-Respondents.
-----x

An order of this Court having been entered on August 25, 2009 (M-2555), denying plaintiff's motion deemed one for leave to appeal to this Court from the decision and order of the Appellate Term entered in the office of the Clerk of the Supreme Court, New York County, on or about February 20, 2009,

And plaintiff having moved for reargument of the order of this Court entered on August 25, 2009 (M-2555), and upon reargument, for an enlargement of time in which to move for leave to appeal to this Court,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion for reargument of the order of this Court entered on August 25, 2009 (M-2555) is granted and, upon reargument, the motion for an enlargement of time in which to move for leave to appeal to this Court is denied.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. David B. Saxe, Justice Presiding,
John W. Sweeny, Jr.
James M. McGuire
Dianne T. Renwick
Helen E. Freedman, Justices.

-----X
Jemrock Realty Co., LLC,

Petitioner-Respondent,

-against-

M-4612
Index No. 570593/06

Jay Krugman,

Respondent-Appellant.

-----X

An order of this Court having been entered on August 11, 2009 (M-2958), granting respondent-appellant tenant leave to appeal to the Court of Appeals from the decision and order of this Court entered on May 19, 2009 (Appeal Nos. 4136 & 4137), and a stay of all proceedings, pending hearing and determination of said appeal in the Court of Appeals, on the conditions that (1) respondent pays petitioner-respondent landlord monthly use and occupancy and (2) posts an undertaking,

And petitioner-respondent landlord having moved to vacate the aforesaid stay of all proceedings,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is denied.

ENTER:


Clerk

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. David Friedman, Justice Presiding,
James M. McGuire
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
In the Matter of the Application of
Steven Schweiger,

Petitioner-Appellant,

M-4336
Index No. 602524/08

For a Judgment Pursuant Article 78
of the Civil Practice Law and Rules,

-against-

The New York State Division of Housing
and Community Renewal, et al.,

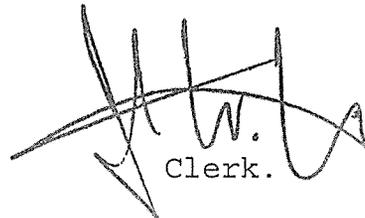
Respondents-Respondents,
-----X

Respondents having moved for dismissal of the appeal taken from the order and judgment (one paper) of the Supreme Court, New York County, entered on or about June 1, 2009,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted and the appeal is dismissed.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. David Friedman, Justice Presiding,
James M. McGuire
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
In the Matter of

Timothy Reynaldo L. M., also known
as Timothy L.,

M-4312

A Dependent Child under 18 Years
of Age Pursuant to §384-b of the
Social Services Law.

Docket No. B3262/07

- - - - -
The Children's Aid Society,
et al.,
Petitioners-Respondents,

Reynaldo M.,
Respondent,

Frances M.,
Respondent-Appellant.

- - - - -
Steven Banks, Esq.,
Law Guardian for the Child.

-----X

Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from an order of the Family Court, New York County, entered on or about May 18, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Lisa H. Blitman, Esq., 225 Broadway, Suite 1203, New York, NY 10007, Telephone No. (212) 724-2792, as counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ **within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk;** (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. **The Clerk of the Family Court shall transfer the record upon receipt of this order and;** (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. David Friedman, Justice Presiding,
James M. McGuire
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
In the Matter of

Vanessa B.,

M-4324

A Dependent Child under 18 Years
of Age Pursuant to §384-b of the
Social Services Law.

Docket No. B3355/09

- - - - -
The New York Foundling Hospital,
et al.,
Petitioners-Respondents,

Lebert Charles C.,,
Respondent-Appellant.

- - - - -
Wendy Claffe, Esq.,
Law Guardian for the Child.

-----X
Respondent-appellant having moved for leave to prosecute,
as a poor person, the appeal from an order of the Family Court,
Bronx County, entered on or about July 8, 2009, and for
assignment of counsel, a free copy of the transcript, and related
relief,

Now, upon reading and filing the papers with respect to the
motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of
(1) assigning, pursuant to Article 18b of the County Law and
§1120 of the Family Court Act, Neal D. Futersas, Esq., 50 Main
Street, White Plains, NY 10606, (914) 682-2171, as counsel for

purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. David Friedman, Justice Presiding,
James M. McGuire
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
In the Matter of

Matthew Raymond L., also known as
Matthew L.,

M-4341
Docket No. B717/07

A Dependent Child under 18 Years
of Age Pursuant to §384-b of the
Social Services Law.

- - - - -
Saint Dominic's Home, et al.,
Petitioners-Respondents,

Geraldo P.,
Respondent-Appellant.

- - - - -
Jessica Brown, Esq.,
Law Guardian for the Child.

-----X

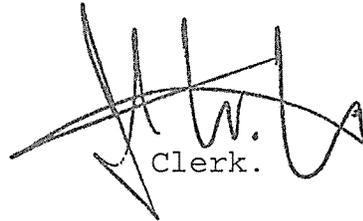
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about June 1, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Dora M. Lassinger, Esq., 6 Howland Road, East Rockaway, NY 11518, Telephone No. (516) 887-8987, as

counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. David Friedman, Justice Presiding,
James M. McGuire
Karla Moskowitz
Rolando T. Acosta
Leland G. DeGrasse, Justices.

-----X
In the Matter of

Toyie Fannie J.,

A Dependent Child under 18 Years
of Age Pursuant to §384-b of the
Social Services Law.

M-4447
Docket No. B11670/07

Harlem Dowling-Westside Center
for Children and Family Services,
et al.,
Petitioners-Respondents,

Toyie D. H.,
Respondent-Appellant.

Steven Banks, Esq.,
Law Guardian for the Child.

-----X
Respondent-appellant having moved for leave to prosecute, as a poor person, the appeal from the order of the Family Court, Bronx County, entered on or about September 1, 2009, and for assignment of counsel, a free copy of the transcript, and related relief,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted to the extent of (1) assigning, pursuant to Article 18b of the County Law and §1120 of the Family Court Act, Randall Carmel, Esq., 53 Jackson Avenue, Syosset, NY 11791, Telephone No. (516) 921-8800, as

counsel for purposes of prosecuting the appeal; (2) directing the Clerk of said Family Court to have transcribed the minutes of the proceedings held therein, for inclusion in the record on appeal, the cost thereof to be charged against the City of New York from funds available therefor¹ within 30 days (FCA 1121[7]) of service of a copy of this order upon the Clerk; (3) permitting appellant to dispense with any fee for the transfer of the record from the Family Court to this Court. The Clerk of the Family Court shall transfer the record upon receipt of this order and; (4) directing appellant to perfect this appeal within 60 days of receipt of the transcripts. Assigned counsel is directed to immediately serve a copy of this order upon the Clerk of the Family Court.

ENTER:



Clerk.

¹Service of appellant's brief upon respondent(s) shall include assigned counsel's copy of the transcript.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

PRESENT - Hon. John W. Sweeny, Jr., Justice Presiding,
James M. Catterson
Rolando T. Acosta
Helen E. Freedman, Justices.

-----X
Jose Rodriguez,
Plaintiff-Appellant,

-against-

M-4467
Index No. 25095/96

Bronx-Lebanon Hospital Center,
Defendant-Respondent.
-----X

An appeal having been taken to this Court by plaintiff-appellant from a judgment of the Supreme Court, Bronx County, entered on or about September 4, 2008,

And retained counsel, Daniel Crupain, Esq., having moved for an order relieving him as appellant's counsel, and for an enlargement of time in which to perfect appeal,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of relieving Daniel Crupain, Esq., as counsel on condition that counsel serves a copy of this order upon all parties within 10 days of the date of entry hereof. Appellant's time in which to perfect the appeal is enlarged to on or before March 22, 2010 for the June 2010 Term, with no further enlargements to be granted.

ENTER:


Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 12, 2009.

Present: Hon. John W. Sweeny, Jr., Justice Presiding,
Leland G. DeGrasse
Helen E. Freedman
Sheila Abdus-Salaam, Justices.

-----X
Auston Canton,
Plaintiff-Respondent,

-against-

M-4523
Index No. 17214/04

Queens Linden Plaza, Inc.,
Defendant-Appellant.

-----X
Queens Linden Plaza, Inc.,
Third-Party Plaintiff-Appellant,

-against-

L.E.S. Sub-Surface Plumbing, Inc.,
Third-Party Defendant-Respondent.

-----X

Defendant/third-party plaintiff-appellant having moved for an enlargement of time in which to perfect the appeal from the order of the Supreme Court, Bronx County, entered on or about December 12, 2008,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motion is granted to the extent of enlarging the time in which to perfect the appeal to the March 2010 Term.

ENTER:


Clerk

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Eugene L. Nardelli
Justice of the Appellate Division

-----X
The People of the State of New York,

M-4508
Ind. No. 3041/98

-against-

CERTIFICATE
DENYING LEAVE

James DiMaria,

Defendant.

-----X

I, Eugene L. Nardelli, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, Bronx County, entered on or about August 21, 2009, is hereby denied.



Justice of the Appellate Division

Dated: New York, New York

ENTERED NOV 12 2009

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : FIRST JUDICIAL DEPARTMENT

BEFORE: Hon. Eugene L. Nardelli
Justice of the Appellate Division

-----X
The People of the State of New York,

M-4541
Ind. No. 7889/00

-against-

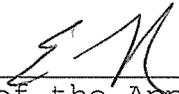
CERTIFICATE
DENYING LEAVE

Alfred Dancy,

Defendant.

-----X

I, Eugene L. Nardelli, a Justice of the Appellate Division, First Judicial Department, do hereby certify that, upon application timely made by the above-named defendant for a certificate pursuant to Criminal Procedure Law, section 460.15, and upon the record and proceedings herein, there is no question of law or fact presented which ought to be reviewed by the Appellate Division, First Judicial Department, and permission to appeal from the order of the Supreme Court, New York County, entered on or about July 9, 2009, is hereby denied.



Justice of the Appellate Division

Dated: New York, New York

ENTERED NOV 12 2009

PM ORDERS

ENTERED

NOVEMBER 10, 2009

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2009.

PRESENT: Hon. Angela M. Mazzarelli, Justice Presiding,
John W. Sweeny, Jr.
James M. Catterson
Rolando T. Acosta
Sheila Abdus-Salaam, Justices.

-----X
Joseph Edmond,
Plaintiff-Appellant-Respondent,

-against-

23rd Street Properties, LLC. and GVA
Williams, LLC.,
Defendants-Respondents-Appellants,

ID Media, Inc.,
Defendant-Respondent-Appellant,

M-4715
M-4766
M-4794

Index No. 15923/05

Larry Berger
Defendant-Respondent,

Icon Interiors, Inc.,
Defendant-Respondent-Appellant.

-----X
ID Media, Inc.,
Third-Party Plaintiff-Appellant
Respondent/Respondent,

-against-

Index No. 85624/06

Michael Gangi Plumbing & Heating
Contracting, Inc.,
Third-Party Defendant-Respondent-Appellant.

-----X
Icon Interiors, Inc.,
Second Third-Party Plaintiff-
Appellant-Respondent/Appellant,

-against-

Index No. 85724/07

Michael Gangi Plumbing & Heating
Contracting, Inc.,
Second Third-Party Defendant
Respondent-Appellant.

-----X
(And a third-party action

Index No. 83819/08

-----X

November 10, 2009

Appeals and cross-appeals having been taken from the order of the Supreme Court, Bronx County, entered on March 3, 2009,

And defendant/second third-party plaintiff/third party-plaintiff having taken an appeal from the order of said Court entered on August 20, 2009,

And defendants-respondents-appellants 23rd Street Properties LLC and GVA Williams, LLC having moved this Court for an order dismissing the direct appeal taken by plaintiff from the aforesaid order of Supreme Court entered on March 3, 2009, or for alternative relief with respect to the perfection of the respective appeal and cross appeal (M-4715),

And third party-defendant-respondent appellant/second third party defendant respondent appellant Michael Gangi Plumbing and Heating Contracting Inc., having cross moved to dismiss plaintiff's appeal from the aforesaid order of Supreme Court and for related relief (M-4766),

And defendant third-party plaintiff-appellant-respondent ID Media, Inc. having cross moved to dismiss plaintiff's appeal from the aforesaid order of Supreme Court and for related relief (M-4794),

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon,

It is ordered that the motions are granted to the extent of directing plaintiff to serve and file a joint supplemental appendix after consulting with cross appellants on or before December 7, 2009 for the February 2010 Term to which Term the appeal and cross appeals from the order of Supreme Court entered on March 3, 2009 are adjourned. Icon Interiors, Inc. shall serve and file an individual appendix and single brief with respect to the appeal from the order entered on or about August 20, 2009 for said February 2010 Term and the Clerk shall calendar the appeals and cross appeals herein for hearing together in said February 2010 Term.

ENTER:



Clerk.

At a Term of the Appellate Division of the Supreme Court held in and for the First Judicial Department in the County of New York on November 10, 2009.

Present: Hon. Angela M. Mazzarelli, Justice Presiding,
David B. Saxe
James M. Catterson
Leland G. DeGrasse
Sheila Abdus-Salaam, Justices.

-----X
Mahmoud Mozaffari,
Petitioner,

-against-

New York State Division of Human Rights,
Respondent,

M-4751
Index No. 300666/08

Patricia Schatz,
Intervenor-Respondent.

New York State Division of Human Rights,
Cross-Petitioner,

-against-

Mahmoud Mozaffari,
Cross-Respondent,

Patricia Schatz,
Intervenor-Cross-Respondent.

-----X

A decision and order of this Court having been entered on June 30, 2009 (Appeal No. 964), unanimously modifying the determination of respondent New York State Division of Human Rights, dated November 27, 2007, said proceeding having been transferred to this Court by order of the Supreme Court, Bronx County, entered on or about March 13, 2008,

And The Finkelstein Firm, LLP, Robert Finkelstein of counsel, having moved to withdraw as counsel for petitioner,

Now, upon reading and filing the papers with respect to the motion, and due deliberation having been had thereon, it is

Ordered that the motion is granted on condition counsel for petitioner serves a copy of this order upon all parties within 10 days of the date of entry thereof.

ENTER:


Clerk.